UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,116	12/21/2001	Rod Walsh	4208-4041	7018

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MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/032,116	WALSH ET AL.
		Examiner	Art Unit
		Thong H. Vu	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>24-65</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>24-65</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>3/07</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   Claims 24-65 are pending.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/07

has been entered.

Claim Rejections - 35 USC § 102

Claims 24-65 are rejected under 35 U.S.C. 102(e) as being anticipated by El-

Rafie [6,968,394 B1].

3.   As per claim 24, El-Rafie discloses A method, comprising:

monitoring an interaction network; performing measurement corresponding to the

monitoring, wherein one or more values are obtained [El-Rafie, control the interaction,

col 21 lines 33-53; monitor and measure the activities via the Internet, col 26 lines 10-

32; selected an ID value, col 30 line 24];   .

selecting data, wherein selection is based upon one or more of the values [El-

Rafie, determine or select the size of data based on a threshold value, col 14 lines 21-

53]; and

sending the selected data over a multicast network [El-Rafie, multicast client, multicast server, col 13 lines 35-54, Fig 7].

4.   As per claim 25, El-Rafie discloses the multicast network is unidirectional as inherent feature of multicast network.

5.   As per claim 26, wherein the interaction network is bidirectional as inherent feature of multicast network.

6.   As per claim 27, El-Rafie discloses, in monitoring the interaction network, a predetermined number of requests for a page are recognized [El-Rafie, a threshold value, col 14 lines 21-53], and wherein selecting the data comprises selecting a promotional file [El-Rafie, advertise, col 27 line 15].

7.   As per claim 28, El-Rafie discloses the data is selected based upon number of requests for the data [El-Rafie, a threshold value, col 14 lines 21-53].

8.   As per claim 29, El-Rafie discloses the data is selected based upon number of requests for the data that originate from a broadcast cell [El-Rafie, a threshold value, col 14 lines 21-53].

9.   As per claim 30, El-Rafie discloses selecting the data comprises prediction based on normal subsequent data choice.

10.   As per claim 31, El-Rafie discloses selecting the data is selected based upon chance of link from requested data being followed.

11.   As per claim 32, El-Rafie discloses sponsored preferable a sponsor policy is employed [El-Rafie, filtering, col 19 line 3-37; Parental control filtering, col 27 line 10].

12.   As per claim 33, El-Rafie discloses the monitoring comprises employment of a

network management agent [El-Rafie, management console 85, col 28 line 7, Fig 7].

13.   As per claim 34, El-Rafie discloses the monitoring comprises employment of a

proxy [El-Rafie, a proxy server, col 9 line 50-55].

14.   As per claim 35, El-Rafie discloses A method, comprising:

providing, via an interaction network, one or more requests [El-Rafie, interaction, col 21

line 41; monitor and measure the activities via the Internet, col 26 lines 10-32]; and

receiving, over a multicast network, selected data through a local proxy [El-Rafie,

multicast client, multicast server, col 13 lines 35-54, Fig 7; a proxy server, col 9 line 50-

55],

wherein measurement corresponding to monitoring of the interaction network is

performed, wherein one or more values are obtained, and wherein selection of the data

takes into based upon one or more of the values [El-Rafie, determine or select the size

of data based on a threshold value, col 14 lines 21-53].

15.   As per claim 44, El-Rafie discloses An apparatus, comprising:

a memory having program code stored therein; and a processor disposed in

communication with the memory for carrying out instructions in accordance with the

stored program code [El-Rafie, web server, col 9 lines 50-55];

wherein the program code, when executed by the processor, causes the processor to

perform [El-Rafie, a single interactive program, col 2 line 45]:

monitoring an interaction network; <u>performing measurement corresponding to the</u>

<u>monitoring, wherein one or more values are obtained</u> [El-Rafie, interaction, col 21 line

41;monitor and measure the activities via the Internet, col 26 lines 10-32; selected an ID

value, col 30 line 24];

selecting data, wherein selection monitoring is <u>based upon one or more of the values;</u>

and sending the selected data over a multicast network [El-Rafie, determine or select

the size of data based on a threshold value, col 14 lines 21-53].

16.   As per claim 55 El-Rafie discloses An apparatus, comprising:

a memory having program code stored therein; and a processor disposed in

communication with the memory for carrying out instructions in accordance with the

stored program code [El-Rafie, web server, col 9 lines 50-55];

wherein the program code, when executed by the processor, causes the

processor to perform [El-Rafie, a single interactive program, col 2 line 45]:

providing, via an interaction network, one or more requests; and receiving, over a

multicast network, selected data through a local proxy [El-Rafie, multicast client,

multicast server, col 13 lines 35-54, Fig 7; a proxy server, col 9 line 50-55],

<u>wherein measurement corresponding to monitoring of the interaction network is</u>

<u>performed, wherein one or more values are obtained</u> [El-Rafie, monitor and measure

the activities via the Internet, col 26 lines 10-32; selected an ID value, col 30 line 24],

and wherein selection of the data is <u>based upon one or more of the values</u> [El-Rafie,

determine or select the size of data based on a threshold value, col 14 lines 21-53].

17.   As per claim 64, El-Rafie discloses An article of manufacture comprising a

computer readable medium containing program code that when executed causes an

apparatus to perform:

monitoring an interaction network; performing measurement corresponding to the

monitoring, wherein one or more values are obtained [El-Rafie, interaction, col 21 line

41; monitor and measure the activities via the Internet, col 26 lines 10-32; selected an

ID value, col 30 line 24];

selecting data, wherein selection is based upon one or more of the values; and

sending the selected data over a multicast network [El-Rafie, determine or select the

size of data based on a threshold value, col 14 lines 21-53].

18.   As per claim 65, El-Rafie discloses An article of manufacture comprising a

computer readable medium containing program code that when executed causes an

apparatus to perform:

providing, via an interaction network, one or more requests; and receiving, over a

multicast network, selected data through a local proxy [El-Rafie, multicast client,

multicast server, col 13 lines 35-54, Fig 7; a proxy server, col 9 line 50-55],

wherein measurement corresponding to monitoring of the interaction network is

performed, wherein one or more values are obtained [El-Rafie, control the interaction,

col 2 line 41; monitor and measure the activities via the Internet, col 26 lines 10-32;

selected an ID value, col 30 line 24], and

wherein selection of the data takes is <u>based upon one or more of the values</u> [El-

Rafie, determine or select the size of data based on a threshold value, col 14 lines 21-

53].

19.   Claims 36-43; 45-54; 56-63 contain the identical limitations set forth in claims 25-

34. Therefore claims 36-43; 45-54; 56-63 25-34 are rejected for the same rationale set

forth in claims 25-34.

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904.
The examiner can normally be reached on 6:00-3:30.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Lynn Feild* can be reached on 571-272-2092. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER